

Message Text

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USMISSION USBERLIN
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C O N F I D E N T I A L SECTION 01 OF 04 BONN 08667

E.O. 11652: GDS
TAGS: PGOV, BQG
SUBJECT: BONN GROUP DISCUSSION OF "INTERIM SOLUTION"
TO NATIONALSTIFTUNG PROBLEM

REFS: (A) BONN 7967
(B) BONN 3592
(C) 77 BONN 21092

SUMMARY: THE DRAFT AGREEMENT FOR THE "INTERIM SOLUTION"
OF THE PROBLEM OF THE NATIONAL STIFTUNG (NATIONAL
FOUNDATION) WAS DISCUSSED BY THE BONN GROUP ON MAY 8 IN
ORDER THAT CHANCELLOR SCHMIDT WOULD BE ABLE TO GIVE
PRELIMINARY ALBEIT UNINSTRUCTED ALLIED VIEWS ON THE
SUBJECT AT THE MEETING WITH THE LAENDER MINISTER
PRESIDENTS ON MAY 12 (REF A). AS PLANNED, THE US REP
SAID THE SOLUTION APPEARED TO BE A FEASIBLE ONE BUT URGED
THAT EFFORTS BE MADE TO MAKE IT AS PRESENTATIONALLY LOW-
KEY AS POSSIBLE. THE UK REP CITED A NUMBER OF DIFFI-
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CULTIES WITH THE PRESENT DRAFT BUT SAID THAT IF IT WERE
HIS DECISION, HE WOULD CONFINE HIMSELF TO POINTING OUT
THE DIFFICULTIES BUT LEAVE IT TO THE FRG TO DECIDE WHAT
WAS IN ITS BEST INTEREST IN VIEW OF THE LIKELY
SOVIET COMPLAINTS. THE FRENCH REP SAID THAT HE DID NOT
KNOW WHAT THE QUAI'S ULTIMATE REACTION WOULD BE BUT WAS
CONSIDERABLY MORE RESERVED ABOUT THE PROPOSAL THAN

EITHER THE US OR UK REPS.

THE FRG REP IMPLIED THAT IT MIGHT BE POSSIBLE TO MAKE SEVERAL OF THE CHANGES WHICH THE ALLIES SUGGESTED AND SAID THAT THE FRG IS NOT DESIROUS OF PROVOKING THE SOVIETS UNNECESSARILY. HE ALSO INDICATED THAT THE OPPOSITION MIGHT BE PREPARED TO TREAT THIS ISSUE IN A LOW-KEY FASHION.

WE BELIEVE THE TIME HAS COME TO INFORM THE FRG THAT WE HAVE NO OBJECTION TO THE PROPOSED "INTERIM SOLUTION" BUT THAT THE FRG SHOULD SEEK TO MAKE THE PUBLIC TREATMENT OF IT AS LOW-KEY AS POSSIBLE, WHILE RECOGNIZING THAT DOMESTIC POLITICAL CONSIDERATIONS IMPOSE CERTAIN LIMITS ON HOW FAR THE FRG CAN GO IN THIS REGARD. ACTION REQUESTED: SEE PARAGRAPH 19. END SUMMARY

1. THE BONN GROUP MET ON MAY 8 TO DISCUSS ON AN UNINSTRUCTED BASIS THE DRAFT ADMINISTRATIVE AGREEMENT (POUCHED TO THE DEPARTMENT AND USBER VIA STRAUB-JOHNSON LETTER OF MARCH 16) WHICH IS PROPOSED AS AN "INTERIM SOLUTION" TO THE NATIONALSTIFTUNG PROBLEM.

2. UK REP (EYERS) SAID THAT THE CURRENT DRAFT WAS DIFFERENT FROM THE ORIGINAL NATIONALSTIFTUNG PROPOSAL BUT WAS NEVERTHELESS ALMOST CERTAIN TO CREATE PROBLEMS
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WITH THE SOVIETS. HE CITED THREE AREAS THAT WOULD CAUSE DIFFICULTY:

-- THE "FUND FOR THE PROMOTION OF ART AND CULTURE" PROPOSED IN THE DRAFT WAS OBVIOUSLY A SUBSTITUTE FOR THE NATIONALSTIFTUNG. THE DRAFT MADE THIS CLEAR BY CALLING THE SOLUTION AN "INTERIM" ONE AND BY REQUIRING THAT MONEY IN THE FUND BE IMMEDIATELY TRANSFERRED TO THE NATIONALSTIFTUNG WHEN THE LATTER IS ESTABLISHED.

-- THE FUND IS TO BE ADMINISTERED, IN TRUSTEESHIP, BY THE PRUSSIAN ART TREASURES FOUNDATION (STIFTUNG PREUSSISCHER KULTURBESITZ--SPK), AN ORGANIZATION WHOSE EXISTENCE WAS ALREADY A RED FLAG BEFORE THE SOVIETS.

-- THE AGREEMENT, BY ITS TERMS, PROVIDES THAT THE FUND WOULD HAVE ITS SEAT IN BERLIN.

3. EYERS SAID NONE OF THIS CONTRADICTED THE BRITISH INTERPRETATION OF THE QUADRIPARTITE AGREEMENT (QA). HE THOUGHT THE QUESTION SHOULD BE ASKED, HOWEVER, WHETHER BERLIN WOULD BE HELPED OR HINDERED BY THE ESTABLISHMENT

OF AN ORGANIZATION CERTAIN TO DRAW SOVIET CRITICISM AND

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IRRITATE RELATIONS. HE COULD NOT SAY HOW LONDON WOULD REACT. HE SAID THAT "IF IT WERE MY DECISION," HE WOULD POINT OUT THE PROBLEMS BUT LEAVE IT TO THE FRG AUTHORITIES TO JUDGE WHAT IMPACT THE ESTABLISHMENT OF THE FUND WOULD HAVE ON FRG RELATIONS WITH THE SOVIETS. HE PRESUMED THE RECENT BREZHNEV VISIT WOULD HAVE LEFT THE GERMANS IN A BETTER POSITION TO MAKE SUCH AN EVALUATION.

4. THE FRENCH REP (RICHARD) GENERALLY ASSOCIATED HIMSELF WITH THE POINTS MADE BY EYERS. HE NOTED, HOWEVER, THAT THE FRENCH HAVE STRONG RESERVATIONS ABOUT THE PROPOSAL AS IT IS CONTAINED IN THE DRAFT. HE SAID THE FUND APPEARED TO BE AN EMBRYONIC NATIONALSTIFTUNG AND ITS ESTABLISHMENT IN BERLIN WOULD CREATE A PRECEDENT FOR ESTABLISHING THE NATIONALSTIFTUNG THERE. HE ALSO NOTED THE NEGATIVE SOVIET ATTITUDE TOWARD THE SPK AND
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QUESTIONED WHETHER IT WAS WISE TO LINK THE FUND TO IT. SUCH A LINKAGE WOULD ALMOST CERTAINLY RAISE THE LEVEL OF POLEMIC ABOVE THAT WHICH EITHER THE SPK OR THE FUND WOULD GENERATE BY ITSELF.

5. RICHARD AGREED THAT THE PROPOSED DRAFT DID NOT VIOLATE THE QA BUT THAT IT WAS VASTLY DIFFERENT FROM WHAT HAD BEEN DESCRIBED TO THE ALLIES LAST YEAR AS AN "ADMINISTRATIVE AGREEMENT" FOR THE TRANSFER OF FUNDS TO THE SPK (REF C). THERE WAS LITTLE TO BE GAINED FROM TAKING SOME OF THE STEPS OUTLINED IN THE DRAFT. THE FRG AUTHORITIES WOULD HAVE MORE ROOM FOR MANEUVER IN ACCOMPLISHING THEIR OBJECTIVES IF THE FUND WERE ESTABLISHED IN THE FRG.

6. THE US REP NOTED THAT WE COULD EXPECT THE PROPOSED "INTERIM SOLUTION" TO DISPLEASE THE SOVIETS. THERE WERE, HOWEVER, SUBSTANTIVE DIFFERENCES BETWEEN THE CURRENT DRAFT AND THE ORIGINAL NATIONALSTIFTUNG PROPOSAL. FIRST, THE FUND DID NOT CONTAIN THE WORD "NATIONAL." SECOND AND EVEN MORE IMPORTANT, THE NEW PROPOSAL DID NOT INVOLVE ESTABLISHING A NEW FRG OFFICE IN BERLIN. NEW FEDERAL OFFICES HAVE, SINCE THE QA, CREATED THE MOST DIFFICULT PROBLEMS WITH THE SOVIETS OVER BERLIN.

7. HE SAID HE RECOGNIZED THAT THE NATIONALSTIFTUNG ISSUE HAD CREATED DOMESTIC PROBLEMS FOR THE FRG AND THE CURRENT DRAFT APPEARED TO BE AN ATTEMPT TO STEER A DELICATE COURSE THROUGH A POLITICAL MINEFIELD. ALTHOUGH THE EXPECTED SOVIET COMPLAINTS WERE NOT SUFFICIENT TO SUGGEST THAT THE FUND NOT BE ESTABLISHED, HE SAID HE CONSIDERED IT IMPORTANT FOR THE FRG AND THE ALLIES, IN A COOPERATIVE EFFORT, TO MAKE THE NEW PROPOSAL LOOK AS

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LITTLE LIKE THE NATIONALSTIFTUNG AS POSSIBLE AND TO TREAT THE FUND IN AS LOW KEY A FASHION AS POSSIBLE. THE POINT IS A PURELY PRESENTATIONAL ONE AND NEED NOT INTERFERE WITH THE SUBSTANCE OF THE FUND'S WORK.

8. AFTER OPENING COMMENTS HAD BEEN OFFERED, VON RICHTHOFEN ASKED IF THERE WERE ANY SPECIFIC COMMENTS ON THE DRAFT ITSELF. RICHARD ASKED IF THE DRAFT LANGUAGE HAD TO ESTABLISH SUCH AN OBVIOUS CONNECTION BETWEEN THE PROPOSED FUND AND THE NATIONALSTIFTUNG. HE NOTED THE NAME NATIONALSTIFTUNG WAS USED

IN THREE PLACES (ARTICLES 1, 2 AND 7) AND CALLED PARTICULAR ATTENTION TO ARTICLE 1, WHICH CREATED A FUND FOR THE PROMOTION OF ART AND CULTURE "UNTIL THE ESTABLISHMENT OF A GERMAN NATIONAL FOUNDATION." UK LEGAL ADVISER (EATON) ASKED IF THE NATIONALSTIFTUNG COULD BE MENTIONED IN AN ACCOMPANYING STATEMENT RATHER THAN THE TEXT OF THE AGREEMENT. THE US REP SAID THAT THE TERM WOULD PRESUMABLY HAVE TO BE USED IN THE AGREEMENT OR PUBLICLY AND INQUIRED HOW FAR THE FRG COULD GO TOWARD OMITTING THE PUBLIC REFERENCES TO THE NATIONALSTIFTUNG. VON RICHTHOFEN REPLIED THAT THE "INTERIM SOLUTION" WAS AN ATTEMPT TO SOLVE A POLITICAL PROBLEM AND IT PROBABLY COULD NOT BE SOLD WITHIN THE FRG IF IMPLEMENTED WITHOUT ANY PUBLICITY. HOWEVER, HE SAID HE WAS "NOT SO SURE" THAT THE OPPOSITION WILL SEEK TO MAKE POLITICAL CAPITAL OF THE MATTER FOR THE PURPOSE OF AGITATING THE SOVIETS.

9. EYERS SAID THE CHANCES OF HAVING NO PUBLICITY AT ALL WERE ZERO SINCE SOME IN THE OPPOSITION WOULD UNDOUBTEDLY USE THE "INTERIM SOLUTION" AGAINST THE RULING COALITION. THE TEXT OF THE AGREEMENT ITSELF WAS THEREFORE THE

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ONLY PLACE WHERE THE FRG GOVERNMENT COULD EXERCISE SOME CONTROL AND LIMIT REFERENCE TO THE NATIONALSTIFTUNG CONCEPT. VON RICHTHOFEN NOTED THAT THE LAENDER WERE ALSO INVOLVED IN THE AGREEMENT AND WOULD HAVE SOME SAY ABOUT ITS LANGUAGE. EYERS SAID THAT IN REPLYING TO SOVIET COMPLAINTS, IT WOULD BE HELPFUL TO BE ABLE TO CITE A DOCUMENT FREE OF THE NAME NATIONALSTIFTUNG.

10. THE US REP ASKED ABOUT THE PHRASE "BUNDESREPUBLIK DEUTSCHLAND ALS GANZES" (FEDERAL REPUBLIC OF GERMANY AS A WHOLE--ARTICLE 3). IF IT MEANT--AS IS APPEARED TO--THE FRG AND BERLIN THERE WOULD OBVIOUSLY BE PROBLEMS WITH IT AND HE HOPED IT COULD BE CHANGED. FRG REP REPLIED THAT THE LANGUAGE HAD BEEN DRAFTED BY THE MINISTRY OF THE INTERIOR AND WAS INTENDED TO EMBRACE THE CONCEPT OF THE FEDERATION AND THE STATES (BUND AND LAENDER) TOGETHER. HE THOUGHT IT WOULD NOT BE A DIFFI-CONFIDENTIAL

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CULT POINT TO MODIFY.

11. EYERS POINTED OUT THAT DESIGNATING THE SPK "IN BERLIN" AS TRUSTEE OF THE FUND WAS ENTIRELY UNNECESSARY UNLESS THERE WAS A POLITICAL POINT TO BE MADE. THE SPK HAS OFFICES IN A NUMBER OF PLACES IN THE FRG AS WELL AS ITS HEADQUARTERS IN BERLIN. HE THOUGHT THAT IMPLEMENTATION OF THE PROPOSED AGREEMENT WAS LIKELY TO STIMULATE A REACTION FROM THE SOVIETS THAT WOULD BE DETRIMENTAL FOR BERLIN. THUS IT WOULD BE ALL THE BETTER TO REMOVE AS MANY POINTS OF IRRITATION AS POSSIBLE. THERE WERE ALREADY A LARGE NUMBER OF SUCH POINTS IN THE DRAFT AND AN UNNECESSARY REFERENCE TO BERLIN WOULD NOT HELP THE CITY. THE US REP AGREED THAT IT WAS POSSIBLE TO ACCOMPLISH WHAT WAS INTENDED, LOCATE THE FUND IN BERLIN, WITHOUT SPECIFICALLY MENTIONING BERLIN IN THE AGREEMENT.

12. UK REP ALSO NOTED THAT ANY SIGNIFICANT INCREASE IN THE STAFF OF THE SPK AFTER THE FUND'S ESTABLISHMENT WOULD REINFORCE THE IMPRESSION THAT THE AGREEMENT WAS ESTABLISHING THE NATIONALSTIFTUNG UNDER ANOTHER NAME. THE US REP SAID HE UNDERSTOOD STAFF INCREASES WOULD AMOUNT TO ONLY 10 OR 20 PEOPLE. VON RICHTHOFEN SAID THIS WAS A FAIR ESTIMATE AND POINTED OUT THAT ANY STAFF CHANGES IN THE SPK WOULD BE INTERNAL AND NEED NOT BE PUBLICLY ANNOUNCED.

13. RICHARD ASKED ABOUT THE REFERENCE TO USE OF THE FUND FOR INTER ALIA EASTERN GERMAN CULTURAL WORKS

(ARTICLE 3, PARA 5). VON RICHTHOFEN REPLIED THAT THIS
REFERRED TO THOSE AREAS OF EASTERN GERMANY WHICH ARE NOW
PART OF THE POLAND AND THE USSR. THIS TOO WAS A QUES-
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TION THAT HAD BEEN POLITICIZED DUE TO THE LARGE NUMBER
OF REFUGEES FROM THESE AREAS WHO HAD BEEN ACCEPTED
INTO THE FRG. THESE PEOPLE HAD A NATURAL INTEREST IN
THE PRESERVATION OF THEIR CULTURAL HERITAGE. HOWEVER,
HE AGREED WITH THE COMMENT THAT THERE MAY BE NO NEED TO
MENTION THIS SUBJECT SPECIFICALLY IN THE AGREEMENT SINCE
IT IS "GERMAN" CULTURE AND THEREFORE SUBSUMED UNDER
MORE GENERAL HEADINGS.

14. RICHARD REFERRED TO THE DISCUSSION IN ARTICLE 5 OF
THE SPK COUNCIL'S ROLE IN ACCEPTING CONTRI-
BUTIONS. HE ASKED IF THERE WERE ANY SPECIFIC GUIDANCE
FOR THE COUNCIL TO USE IN DECIDING WHETHER TO ACCEPT
PRIVATE CONTRIBUTIONS. HE OBSERVED THAT THE FUNCTIONS
OF THE FUND MIGHT EXPAND CONSIDERABLY
UNDER THE INFLUENCE OF LARGE PRIVATE CONTRIBUTIONS
OR MIGHT BE USED TO PROMOTE PROVOCATIVE POLITICAL
GOALS.

15. VON RICHTHOFEN RELIED THAT HE WAS SURE THE SPK
TRUSTEES WOULD ADMINISTER THE FUND IN ACCORDANCE WITH
THE TERMS OF THE CHARTER OF THE SPK ITSELF. IT SHOULD
THUS BE WITHIN THEIR POWER TO REFUSE AN OFFER WITH
CONDITIONS ATTACHED. HE ALSO BELIEVED THAT THE FRG
GOVERNMENT WAS REPRESENTED ON THE FOUNDATION COUNCIL,
THUS IMPLYING THAT POLITICAL CONSIDERATIONS COULD BE
TAKEN INTO ACCOUNT. HE PROMISED TO RESEARCH THE SPK
STRUCTURE FURTHER.

16. THE MEETING ADJOURNED WITH VON RICHTHOFEN ASKING
ALL REPS TO PASS ON THEIR NATIONAL POSITIONS ON THE
DRAFT ADMINISTRATIVE AGREEMENT AS SOON AS INSTRUCTIONS
WERE RECEIVED FROM CAPITALS.

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17. COMMENT: AS PLANNED (REF B), WE HAVE ATTEMPTED TO POINT OUT TO THE FRG THOSE POINTS IN THE DRAFT AGREEMENT WHICH IT SEEMS TO US COULD BE CHANGED TO MAKE THE "INTERIM SOLUTION" LESS PROVOCATIVE TO THE SOVIETS. VON RICHTHOFEN TOOK NOTE OF THESE AND, ALTHOUGH HE RESERVED SPECIFIC RESPONSES ON INDIVIDUAL POINTS UNTIL THE ALLIES HAVE INSTRUCTIONS, HE SUGGESTED THAT SEVERAL OF THEM COULD BE CHANGED.

18. EYERS HAS TOLD US THAT THE FCO WILL PRESUMABLY APPROVE THE PROPOSAL, SINCE IT HAD DECIDED LAST YEAR TO POSE NO OBJECTIONS TO THE NATIONALSTIFTUNG ITSELF. THE FRENCH MAY BE MORE RELUCTANT TO GO ALONG WITH THE PROPOSAL BUT IF THE FRG IS ABLE TO MEET SOME OF THE FRENCH CONCERNS, WE ASSUME THEY WILL EVENTUALLY AGREE.

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19. WE HAVE DELAYED REQUESTING INSTRUCTIONS UNTIL THE BONN GROUP HAD AN OPPORTUNITY TO REVIEW AND DISCUSS THE DRAFT AGREEMENT. NOW THAT THIS HAS BEEN DONE, AND IN VIEW OF THE APPARENT FRG WILLINGNESS TO WORK TOWARD MAKING THE SOLUTION OF THE NATIONALSTIFTUNG PROBLEM AS LOW-KEY AND NON-PROVOCATIVE AS DOMESTIC POLITICAL CONSIDERATIONS WILL ALLOW, WE RECOMMEND THAT WE BE AUTHORIZED TO INFORM THE FRG IN THE BONN GROUP THAT THE US:

A) DOES NOT OBJECT TO THE PROPOSED "INTERIM SOLUTION"; AND

B) HOPES THAT THE FRG WILL SEEK TO MAKE THE ARRANGEMENT AS LOW-KEY AND NON-PROVOCATIVE AS IT REASONABLY CAN.

20. ACTION REQUESTED: SEE PARAGRAPH 19.
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